

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

LARRY GRAVETT,)	
)	
Plaintiff,)	
)	
v.)	Case No. 17-CV-532-FHM
)	
NANCY A. BERRYHILL, Acting)	
Commissioner of the Social)	
Security Administration,)	
)	
Defendant.)	

OPINION AND ORDER

Before the court is the Plaintiff's Motion for Award of Attorney fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412. [Dkt. 18]. The Commissioner filed an Unopposed Motion for Award of Attorney Fees Pursuant to the Equal Access Justice Act, [Dkt. 19], indicating the parties have stipulated to Plaintiff being awarded attorney fees in the amount of \$4,750.00.

The court finds that the amount of the fee request is reasonable. Based on that finding and the absence of any objection to the amount of the fee request, the court finds that Plaintiff should be awarded EAJA fees in the amount of \$4,750.00.

Pursuant to the Commissioner's usual practice, the check should be made payable to Plaintiff and mailed to counsel's address. If Plaintiff's attorney receives the fees awarded herein and attorney fees are also awarded and received by counsel under 42 U.S.C. § 406(b) of the Social Security Act, counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

The Commissioner's Unopposed Motion for Attorney's Fees Pursuant to the Equal Access to Justice Act, [Dkt. 19], is GRANTED as provided herein. As a result of the

unopposed motion, Plaintiff's Motion for Attorney Fees, [Dkt. 18], is moot.

SO ORDERED this 16th day of August, 2018.


FRANK H. McCARTHY
UNITED STATES MAGISTRATE JUDGE